

## CHAPTER IX.

## PROCEDURE.

Cognizance  
of offences.

**51.** All offences punishable under this Act shall be cognizable by any Magistrate.

Orders of  
confiscation  
by whom to  
be made.  
Proviso.

**52. (1)** All confiscations under this Act shall be adjudged by the Collector or by any officer empowered by the Governor in Council in this behalf ;

(2) Provided that no order of confiscation shall be made without hearing any person who within one month from the date of its seizure claims a right to anything intended to be confiscated and the evidence, if any, which he produces in support of his claim.

Power to  
regulate  
disposal of  
things  
seized.

• (3) Provided also that it shall be lawful for the Governor in Council to make from time to time rules consistent with this Act to regulate the disposal and destruction of things seized under this Act.

Such rules may, among other matters, provide—

(a) that any officer of a class which shall be designated in such rules may, at any time after a seizure under this Act has been made of any goods which appear to him to be subject to speedy and natural decay, direct such goods to be sold by public auction, destroyed or otherwise disposed of ;

(b) that the owner or person in charge of any animal seized under this Act shall provide from day to day for its keep, while detained, and that, if he omits to do so, such animal may, if any officer such as is referred to in clause (a) so direct, be sold by public auction and the expenses, if any, incurred on account of it defrayed from the proceeds of such sale ;

(c) that the surplus proceeds of a sale under clause (a) or clause (b) of this section shall, unless the owner of the thing seized establishes his claim to such proceeds within a period not less than three months, to be fixed by such rules, be forfeited to Her Majesty.

Redemp-  
tion of  
thing con-  
fiscated to  
be permit-  
ted on pay-  
ment of fine.

(4) Whenever confiscation is ordered under this Act, the owner of the thing confiscated shall be given an option of redeeming it, on payment of such fine as the Collector or other officer aforesaid thinks fit.

Power to  
summon  
persons to  
give evi-  
dence and  
produce  
documents  
in inquiries  
under this  
Act.

**53. (1)** Any salt-revenue-officer not lower in rank than a sarkarkún or a daroga shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making for any of the purposes of this Act. A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

(2) All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct : Provided that XIV of 1882. tions under sections 640 and 641 of the <sup>1</sup> Code of Civil Procedure shall be applicable to requisitions for attendance under this section ;

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements ;

and to produce such documents and other things as may be required.

XIV  
1880. (3) Every such inquiry as aforesaid shall be deemed to be a "judicial of proceeding" within the meaning of section 193 and section 228 of the <sup>2</sup> Indian Penal Code.

**54.** Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and shall also bear his official seal, if he have any ; and shall be served by tendering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence. Summons to be in writing, signed and sealed. How to be served.

**55.** (1) Every notice under this Act shall be deemed to be served on the date on which a copy thereof is tendered or delivered to the person on whom it is to be served, or to his agent, if he have any ; Service of notices.

or, when the notice has not been so served, the date which shall appear to the officer holding the enquiry to be the date on which the person on whom the same is to be served has become aware of the issue and purport thereof.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced a material misconception of the intended intimation. Notice not void for error.

**56.** Whenever it is provided in this Act that the costs of doing anything shall be recoverable from any person by a salt-revenue-officer, the said officer may recover the same by detention of any property of the person liable therefor and by sale of such property ; and the said costs shall also be recoverable, if necessary, by a revenue-officer in any manner in which, under the law at the time in force, an arrear of land-revenue may be recovered. Recovery of costs.

**57.** (1) Every order passed by any salt-revenue-officer other than a Commissioner or a Collector shall be appealable to such officer's immediate superior at any time within sixty days from the date of such order. Appeals.

(2) Every order passed by a Collector shall be appealable within ninety days from the date of such order to the Commissioner, if any, to whom the

<sup>1</sup> See now the Code of Civil Procedure, 1903 (Act 5 of 1908), General Acts, Vol. VI.

<sup>2</sup> General Acts, Vol. I.

Collector is subordinate, and, if there be no such Commissioner, to Government.

(3) Every order passed by a Commissioner shall be appealable within ninety days from the date of such order to Government : Provided that no such appeal shall lie from any order passed by a Commissioner on appeal.

(4) Subject to the foregoing provisions the rules for the time being in force relating to appeals in the Revenue Department shall apply to appeals under this Act.

## CHAPTER X.

### MISCELLANEOUS.

Further matters for which the Governor in Council may make rules.

58. <sup>1</sup>\* In addition to the rules which the Governor in Council is hereinbefore empowered to make, he may from time to time make <sup>2</sup>\* rules consistent with this Act, to regulate the following matters, namely :—

- (a) the manufacture, deposit and storage of salt at any salt-work ;
- (b) the deposit and storage of salt in any building, enclosed place or premises used for the deposit or storage of salt on which duty has not been paid ;
- (c) the removal of salt from any such building, enclosed place or premises as last aforesaid or from any salt-work ;
- (d) the routes by which salt shall be taken from any such building, enclosed place or premises as aforesaid or from any salt-work to any preventive station ;
- (e) the routes by which manufacturers of salt and other persons shall approach, enter or leave any salt-work and the hours during which any person may remain within the limits of any salt-work or in any such building, enclosed place or premises as aforesaid ;
- (f) the conservancy of any salt-work and of any such building, enclosed place or premises as aforesaid ;
- (g) the granting and the refusal of permission to construct within a salt-work or in the immediate vicinity thereof places of residence for manufacturers of salt and other work-people employed therein ; and the terms as to the situation and construction of any such places as may be permitted ;

<sup>1</sup> The figure "(1)" was repealed by s. 2 (1) of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

<sup>2</sup> For the Sind Salt Rules and the Bombay Salt Rules, see Bombay Local Rules and Orders.